



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: Turner, Sharon L.
Avi J. ASHKENAZI, et al.) Art Unit: 1647
Application Serial No. 09/978,193) Confirmation No: 4687
Filed: October 15, 2001) Attorney's Docket No. 39780-2630 P1C6
For: SECRETED AND) Customer No. 35489
TRANSMEMBRANE)
POLYPEPTIDES AND NUCLEIC)
ACIDS ENCODING THE SAME)

BEST AVAILABLE COPY

DECLARATION OF NAPOLEONE FERRARA, Ph.D., AUDREY GODDARD, Ph.D.,
PAUL J. GODOWSKI, Ph.D., AUSTIN GURNEY, Ph.D.,
AND WILLIAM I. WOOD, Ph.D. UNDER 37 C.F.R. §1.131

MAIL STOP AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

We, Napoleone Ferrara, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D., and William I. Wood, Ph.D. declare and say as follows:

1. We are the inventors of the above-identified application.
2. We have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by Ford *et al.*, U.S. Patent No. 6,392,018, filed February 12, 1999 and issued May 21, 2002.
3. We conceived and reduced to practice the invention claimed in the above-identified application in the United States prior to February 12, 1999.
4. At the time the present invention was made, one of the inventors, Napoleone Ferrara, Ph.D., was, as still is, responsible for overseeing the testing of novel polypeptides, including the polypeptide designated PRO320, in endothelial cell proliferation assay (Assay #9, Example 109). This assay is used to find agents that are capable of inhibiting proliferation of endothelial cells.